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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,826

Applicant(s)

MCNULTY ET AL.

Examiner

Leslie Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/26/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Withdrawal of Objections

1. Applicants' amendments, submitted on 30 December 2004, overcome Specification and drawing objections. Examiner hereby withdrawn the objections that were given in the Office Action dated 26 February 2004.

Response to Amendment

2. Receipt of Applicants' Amendment, filed 30 December 2004, is acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-7, 12-13, 16-18, 23-24, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by **Smethers** (U.S. Patent 6,560,640 B2).

Regarding claims 1, 12, and 23, **Smethers** teaches a method for facilitating access to previously stored information on a computer network by a user of a mobile device (col. 15, lines 26-32), the method comprising:

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a). **'receiving data representing the information from a data provider through a base system interface'** as user requesting information from the Internet by inputting the URL of the site interested (col. 15, lines 10-15; col. 1, lines 31-56), the user bookmarks a web page of interest using a menu selection provided by the user interface of the web browser (col. 1, lines 46-57). Bookmarks for a subscriber or wireless client device can be entered using personal computer (i.e., base system interface) to edit, create, or delete bookmarks for the wireless client device (col. 8, lines 25-30; col. 10, lines 14-16). A bookmark is a place-holder for a electronic document (i.e., web page) and particularly identified by a uniform resource location currently being view by the user of the web browser (col. 1, lines 52-57) for those web sites that users desires to return to in the future. The fact that the user can bookmark a page means that the server has forwarded the requested page to the client browser, the client browser receives the data and in turn displays to the user for viewing.

b). **'storing a data object representing the data in a database'** as storing the URL at the proxy server device (col. 6, lines 23-29; col. 8, lines 53-57).

Although the prior art discloses that the step of storing the URL at the proxy **server** instead of storing the data object in the **database**; however, it should be apparent to the reader that the proxy server disclosed therein should include at least one database for storage, maintenance, and retrieval of subscriber information such as account, configuration, and preferences etc. as indicated in col. 6, lines 23-29.

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c). **'associating the data with the user within the database'** as the remote server stores a table for each subscriber (i.e., user), the tables store URLs (i.e., data object) as associated with the subscriber's bookmarks as utilized on their wireless client device (col. 14, lines 35-39);

d). **'associating the data object with a select one of two or more data object types'** as each of the wireless client devices serviced by proxy service device is assigned a device identifier (ID). Device ID can be a phone number of the device or an IP address or a combination of an IP address and a port number. The device ID is further associated with a subscriber ID created and administrated by a carrier and stored in a proxy server device as part of the procedures to activate a subscriber account for a wireless client device. The subscriber account contains bookmark information that has been previously stored. The bookmark information includes a Uniform Resource Locator (URL) for the selected bookmark being identified by the compact bookmark identifier (col. 11, lines 18-44).

e). **'receiving a request from the user for retrieval of the data through a mobile system interface'** as a compact request from a wireless device to the server by requesting a document via selection of a bookmark (col. 2, lines 38-47); and

f). **'sending the data to the user through the mobile system interface in accordance with one or more data attributes defined for the selected data object**

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type' as bookmark id for previously assigned bookmark, URL, and shortname for the selected bookmark (col. 15, lines 7-15; col. 11, lines 34-46);

g). **'wherein the request is a numerical identifier of the data object entered by the user through a mobile device coupled to the mobile system interface'** as user select a bookmark to request the associated document by single button action (col. 2, lines 45-47; col. 13, lines 51-57).

Regarding claims 2, 13, and 24, **Smethers** further teaches wherein **'each of the data object types is associated with a type identifier'** as my stocks, redskin updates, and local news are assigned with a numerical identifier "1", "2", and "3" respectively (col. 13, lines 42-57).

Regarding claims 5, 16, and 27, **Smethers** further teaches **'sending the data along with one or more user interface triggers by which the user can invoke one or more respectively associated actions to be taken with respect to the data'** as a menu list that depicts different kinds of data such as my stocks, redskin updates, and local news. The above-mentioned data are assigned with a numerical identifier "1", "2", and "3" respectively. By depressing a numerical key "1" on the keypad user can invoke the action of retrieving data for the stocks (col. 11, lines 42-51; col. 12, lines 10-31; and Fig. 5).

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Regarding claims 6, 17, and 28, **Smethers** further teaches wherein **'a selected one of the actions is to be performed by a mobile device used by the user to request the data'** as a user interacts with the wireless client device to select a bookmarked document that is to be requested (col. 9, lines 40-47; col. 15, lines 26-32).

Regarding claims 7, 18, and 29, **Smethers** further teaches wherein **'the selected action has a behavior defined by one or more instructions to be performed by the mobile device; and further wherein sending the data to the user includes sending the instructions with the data'** as Handheld Device Markup Language (HDML) contains a set of commands or statements specified how information to be displayed on the wireless client device (col. 6, lines 64-67). As specified in Applicants' Specification, page 28, line 15 – page 29, line 3, Wireless Markup Language (WML) scripts can include instructions which can be carried out by a mobile device such as wireless telephone 110 thereby defining a behavior of wireless telephone 110. Since the WML and HDML are markup languages designed to work as micro-browser for displaying the retrieved information on the handheld device. **Smethers'** HDML is equivalent to Applicants' WML; therefore, it is submitted that **Smethers'** HDML commands instruct the mobile device how to display the information teaches the limitation as claimed.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-4, 8-11, 14-15, 19-22, 25-26, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smethers** (U.S. Patent 6,560,640 B2) as applied to claims 1-2, 5-7, 12-13, 16-18, 23-24, and 27-29 above and in view of **Gershman et al.** ("Gershman" herein after) (U.S. Patent 6,401,085 B1).

Regarding claims 3, 14, and 25, **Smethers** does not explicitly teach parsing the data into one or more portions, each of which corresponds to the one or more data attributes defined for the selected data object type; and wherein storing the data object

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includes storing the one or more portions organized according to the data attributes defined for the selected data type.

Gershman, however, teaches '**parsing the data into one or more portions, each of which corresponds to the one or more data attributes defined for the selected data object type; and wherein storing the data object includes storing the one or more portions organized according to the data attributes defined for the selected data type**' as utilizing the three user-defined structure: TMeetingRecord, TPatternElement, and TPatternRecord to store pertinent information concerning a single meeting (col. 11, lines 40-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Gershman's** teaching would have allowed **Smethers's** to extract and store the data according to the data structure in order to provide information about the data object to other functions (col. 11, lines 60-62).

Regarding claims 4, 15, and 26, **Smethers** does not explicitly teach wherein the parsing is according to an attribute pattern specified for the selected data object type.

Gershman, however, teaches '**parsing is according to an attribute pattern specified for the selected data object type**' as extracting list of keywords from the title and body of meeting and patterns are selected because they are templates of phrases which have a high probability of appearing in someone's meeting text (col. 11, lines 43-62; col. 12, lines 25-28; col. 16, lines 14-25).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Gershman's** teaching would have allowed **Smethers's** to avoid information overload by matching only the specified pattern and increase the performance because the system can reuse the existing patterns (col. 15, line 55 – col. 16, line 25; col. 37, lines 25-55).

Regarding claims 8, 19, and 30, **Smethers** does not explicitly teach wherein a selected one of the actions is accessible to the user only if the selected data object type of the data object is one of one or more acceptable ones of the two or more data object types.

Gershman, however, teaches 'a selected one of the actions is accessible to the user only if the selected data object type of the data object is one of one or more acceptable ones of the two or more data object types' as an Intention-Centric Interface designed to help the user manage personal Intentions. At any given point, the interface content is customized to show only content that relates to that particular Intention (col. 42, lines 15-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Gershman's** teaching would have allowed **Smethers's** to customize and display actions based on user-specific version of the generic version in the profile (col. 42, lines 43-50).

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Regarding claims 9, 20, and 31, **Smethers** does not explicitly teach wherein performance of a selected one of the actions acts upon one or more of the data attributes of the data object.

Gershman, however, teaches '**performance of a selected one of the actions acts upon one or more of the data attributes of the data object**' as a profile restriction rule (i.e., data attributes) that dictates a person can not book a flight (i.e., action) on a certain airline (col. 41 line 51 – col. 42, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Gershman's** teaching would have allowed **Smethers's** to instruct the system to select and retrieve the desired data based on user's preferences to satisfy the selected intention (col. 42, lines 15-27).

Regarding claims 10, 21, and 32, **Smethers** does not explicitly teach wherein a selected one of the actions is accessible to the user depending upon user data representing characteristics of the user.

Gershman, however, teaches '**a selected one of the actions is accessible to the user depending upon user data representing characteristics of the user**' as an Egocentric Interface that utilizes the user's personal information stored in a central profile database to customize the interface based on user's needs, preferences, and current context (col. 39, lines 27-44).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Gershman's** teaching would have allowed **Smethers's** to **Smethers's** to customize and display actions based on user-specific version of the generic version in the profile (col. 42, lines 43-50).

Regarding claims 11, 22, and 33, **Smethers** further teaches wherein '**the user data includes specification of a mobile data services provider**' as account manager manages through account interface for all the wireless client devices serviced by proxy server device and the subscriber ID may take the form of 861234567-10900_pn.mobile.att.net by AT&T Wireless Service (col. 11, lines 19-33).

Response to Argument

7. Applicants' arguments filed 30 December 2004 have been fully considered but they are not persuasive.

Applicants arguments with respect to claim 1 regarding the motivation to combine Smethers and Gershman are moot in view of a new ground of rejection.

Applicants' argue that Smethers teaches only a single type of data, namely, URLs and teaches only a single type of action associated with that data, namely, a fetch of the URL.

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In response to the preceding arguments, Examiner respectfully submits that Smethers teaches the limitation "a selected one of two or more data types" as the account manager manages through account interface a number of subscriber account for all wireless client devices serviced by proxy server device. Each of the wireless client devices serviced by proxy service device is assigned a device identifier (ID) (i.e., data type to identify the device). Device ID can be a phone number of the device or an IP address or a combination of an IP address and a port number. The device ID is further associated with a subscriber ID (i.e., data type to identify the subscriber) created and administrated by a carrier and stored in a proxy server device as part of the procedures to activate a subscriber account for a wireless client device. Upon receiving a compact request having a compact bookmark identifier (i.e., data type to identify a bookmark) for a previously assigned bookmark, proxy server device accesses the subscriber account (corresponding to the subscriber identification number of the wireless client device that sent the compact bookmark identifier) contained within proxy server device or in a remote server accessed via landnet. The subscriber account contains bookmark information that has been previously stored. The bookmark information includes a Uniform Resource Locator (URL) for the selected bookmark being identified by the compact bookmark identifier (col. 11, lines 18-44). Based on the above, Examiner submits that Smethers at least teaches three different data types, namely, device data type, subscriber data type, and bookmark data type (i.e., URL).

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Further, Applicants argue the Examiner cited HDML and WML as containing commands and statements and that display format tags are not commands. Examiner has cited no teaching of instructions, as opposed to data, which can be translated from HTML to HDML.

In response to the preceding arguments, Examiner respectfully submits that applicants broadly claim "... sending the instruction with the data" reads on Smethers' teaching of HDML's commands or statements specified in a card that specifies how information displayed on a small screen of the wireless client device. It is submitted that statements detailing how the system should perform certain tasks, even if only cosmetic, can be construed as an "instruction". Hence, Smethers teaches the limitation as claimed.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Patent Examiner
Art Unit 2177

LW
May 28, 2005